

for Commission inspections, sufficient supporting documentation to justify the scheduled rates, including supporting contracts, calculations of the implicit fees, and justifications for all adjustments.

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3. Section 76.971 is amended by adding new paragraph (g) to read as follows:

§ 76.971 Commercial leased access terms and conditions.

* * * * *

(g) Operators are not required to accept leases which are for less than a one-half hour interval.

4. Section 76.977 is amended by revising the heading to read as follows:

§ 76.977 Minority and educational programming used in lieu of designated commercial leased access capacity.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 620

[Docket No. 960126016-6105-03; I.D. 040896B]

General Provisions for Domestic Fisheries; Amendment of Emergency Fishing Closure in Block Island Sound

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency interim rule; amendment.

SUMMARY: In response to a request from the State of Rhode Island, NMFS is amending further the emergency interim rule that closed a portion of Federal waters off the coast of the State of Rhode Island, in Block Island Sound subsequent to an oil spill. This amendment allows all legal fishing to resume with the exception of lobstering in a small portion of the previously closed area.

EFFECTIVE DATE: April 9, 1996 through May 01, 1996.

FOR FURTHER INFORMATION CONTACT: Daniel Morris at (508) 281-9388.

SUPPLEMENTARY INFORMATION: On January 19, 1996, an oil barge grounded and spilled more than 800,000 gallons (3.0 million liters) of heating oil into the waters of Block Island Sound, RI. On January 26, 1996, NMFS, at the request

of and in conjunction with the State of Rhode Island, prohibited the harvest of seafood from an area of approximately 250 square miles (647 square km) in Block Island Sound. The original area of closure was announced and defined in an emergency interim rule published in the Federal Register on February 1, 1996 (61 FR 3602).

On March 13, 1996, NMFS opened the entire area to fishing for and landing finfish and squid by gear types other than bottom trawl gear. This same action, published in the Federal Register on March 19, 1996 (61 FR 11164), expanded by approximately 28 square miles (73 square km) the area in which fishing for and landing lobsters, clams, and crabs is prohibited. The use of lobster traps, bottom trawl or dredge gear was prohibited throughout the expanded closed area.

Following the oil spill, State officials, in consultation with Federal agencies and the responsible party, developed a protocol for reopening fisheries in the affected area. The protocol sets sampling, inspection, and analysis standards, which, if met, would ensure that seafood is wholesome and would provide a basis for reopening fisheries.

In accordance with the protocol, State and Federal agencies have been testing the water and marine life in and around the closed area since the closure began. Seafood species have been subjected to inspection by sensory experts and chemical analysis. Though all seafood from the area has been determined to be safe for consumption, certain lobsters from one particular sector still show some evidence of oil adulteration. Therefore, NMFS, at the request of the State, is opening all areas to all fishing with the exception of the one sector (described below) where oil adulteration has been detected in lobsters. This area remains closed to fishing for, or possessing or landing American lobsters from the closed area.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson Fishery Conservation and Management Act and other applicable law.

Testing has determined that consumption of seafood from the previously closed area does not pose a threat to human health. Fishermen who operate in the area would suffer severe economic hardship unnecessarily if the current prohibition were to remain in effect. Hence, the AA finds that the foregoing constitutes good cause to waive the requirement to provide prior

notice and the opportunity for public comment, pursuant to authority set forth at 5 U.S.C. 553(b)(B), as such procedures would be contrary to the public interest. Further, as this provision relieves a restriction, it is made effective immediately pursuant to authority at 5 U.S.C. 553(d)(1).

This emergency rule has been determined to be not significant for the purposes of E.O. 12866.

This emergency rule is exempt from the procedures of the Regulatory Flexibility Act because this rule is not required to be issued with prior notice and opportunity for public comment.

List of Subjects in 50 CFR Part 620

Fisheries, Fishing.

Dated: April 9, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 620 is amended as follows:

PART 620—GENERAL PROVISIONS FOR DOMESTIC FISHERIES

1. The authority citation for part 620 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 620.7, paragraphs (j) and (k) are removed, and paragraph (i) is revised to read as follows:

§ 620.7 General prohibitions.

* * * * *

(i) Fish for American lobsters in, or possess or land American lobsters from, the Federal waters of Block Island Sound bounded as follows: From the point where LORAN line 14470 intersects with the 3-nautical mile (6-km) line south of Point Judith, RI, proceeding south-southeasterly to its intersection with the 43870 line, thence southwesterly along the 43870 line to its intersection with the 3-nautical mile (6-km) line east of Block Island, RI, thence northerly and along said 3-nautical mile (6-km) line to the northern intersection of the 3-nautical mile (6-km) line and the 14540 line, thence northwesterly along the 14540 line to the intersection of the 3-nautical mile (6-km) line, thence northeasterly along the 3-nautical mile (6-km) line to the starting point.

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50 CFR Part 663

[Docket No. 960221041-6102-02; I.D. 013196A]

RIN 0648-A134

Pacific Coast Groundfish Fishery; Delay in Start of Regular Fishing Seasons for Nontrawl Sablefish and Pacific Whiting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS is implementing regulations that would delay the start of the "regular" fishing seasons by 1 month or less for the nontrawl sablefish and the Pacific whiting (whiting) limited entry fisheries 3-200 nautical miles (6-370 km) off Washington, Oregon, and California. This rule accommodates requests from the industry for delayed fishing seasons, which are intended primarily to enable nontrawl sablefish fishers to participate in other fisheries and to enhance the quality of whiting.

EFFECTIVE DATES: May 15, 1996, except the change to the whiting season at § 663.23(b)(3)(i), which is effective April 15, 1996.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Reviews (EA/RIRs) may be obtained from the Pacific Fishery Management Council (Council), 2000 SW First Avenue, Suite 420, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140, or Rodney R. McInnis at 310-980-4030.

SUPPLEMENTARY INFORMATION: These actions are taken under the authority of the Pacific Coast Groundfish Fishery Management Plan and the Magnuson Fishery Conservation and Management Act (Magnuson Act). This final rule delays the start of the regular fishing seasons for the limited entry fisheries for nontrawl sablefish and for whiting, as recommended by the Council at its October 1995 meeting in Portland, OR. NMFS published a proposed rule at 61 FR 8021 (March 1, 1996), requesting comments through March 22, 1996. Two comments were received, both in support of the delay in the whiting season, from representatives of more than 75 percent of the at-sea processing fleet. The background and rationale for this rule appear in the proposed rule and the (EA/RIR) prepared for this action (see **ADDRESSES**).

For the reasons set forth in those documents, NMFS concurs with the Council's recommendation. This final rule is the same as proposed.

Classification

The Assistant Administrator for Fisheries, NOAA (AA) has determined that this final rule is necessary for management of the Pacific coast groundfish fishery and that it is consistent with the Magnuson Act and other applicable law.

The Council prepared an EA for this rule (contained in the EA/RIR) and the AA concluded that this rule would not significantly affect the quality of the human environment.

This rule has been determined to be not significant for purposes of E.O. 12866.

NMFS finds good cause, pursuant to 5 U.S.C. 553(d)(3), to implement the whiting season portion of this rule before the beginning of the April 15, 1996, regular season for whiting north of 42° N. lat., rather than delaying effectiveness for 30 days. Since the industry expects the delay in opening, a delay in effectiveness would not provide time to adjust, but would disrupt the businesses of the regulated community. The whiting are healthier and larger by May, which means better profits for the industry. Furthermore, an opening on April 15 would result in increased groundfish bycatch (wasteful) and increased salmon bycatch (both wasteful and harmful to depleted/listed species). NMFS finds no need to waive the delay in effectiveness for the nontrawl sablefish portion of this rule.

List of Subjects in 50 CFR Part 663

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: April 9, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 663 is amended as follows:

PART 663—PACIFIC COAST GROUND FISH FISHERY

1. The authority citation for part 663 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 663.23, effective May 15, 1996, paragraphs (b)(2)(i)(A), (b)(2)(i)(B), (b)(2)(ii), and (b)(2)(iv) are revised, and effective April 15, 1996, paragraph (b)(3)(i) is revised to read as follows:

§ 663.23 Catch restrictions.

* * * * *

(b) * * *

(2) * * *

(i) * * * (A) Sablefish taken with fixed gear in the limited entry or open access fishery in the EEZ may not be retained or landed from 12 noon August 29 through 12 noon September 1.

(B) All fixed gear used to take and retain groundfish must be out of EEZ waters from 12 noon August 29 through 12 noon September 1, except that pot gear used to take and retain groundfish may be deployed and baited in the EEZ after 12 noon on August 31.

(ii) *Regular season—Limited entry fishery.* The regular season for the limited entry nontrawl sablefish fishery begins at 12:01 on September 1. During the regular season, the limited entry nontrawl sablefish fishery may be subject to trip limits to protect juvenile sablefish. The regular season will end when 70 percent of the limited entry nontrawl allocation has been or is projected to be taken. The end of the regular season may be announced in the Federal Register either before or during the regular season.

* * * * *

(iv) The dates and times that the regular season ends (and trip limits on sablefish of all sizes are resumed) and the mop-up season begins and ends, and the size of the trip limit for the mop-up fishery, will be announced in the Federal Register, and may be modified. Unless otherwise announced, these seasons will begin and end at 12 noon on the specified date. A vessel landing sablefish in Puget Sound that was taken under a limited entry permit with nontrawl gear during a regular season is not subject to trip limits on that trip (except the regular season trip limits to protect juvenile sablefish), provided the landing complies with Washington State regulations governing sablefish landings in Puget Sound after the regular season.

* * * * *

(3) *Pacific whiting—(i) Season.* The regular season for Pacific whiting begins on May 15 north of 42°00' N. lat., on March 1 between 42°00' N. lat. and 40°30' N. lat., and on April 15 south of 40°30' N. lat. Before and after the regular season, trip landing or frequency limits may be imposed under paragraph (c) of this section.

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